IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7016 OF 2005

Gopal Budhaji Nerurkar. .. Petitioner.

vs.

Chief Executive Officer,
Zilla Parishad & Anr. .. Respondents.

Mr. A.S. Khandeparkar i/by M/s. Khandeparkar & Associates for petitioner.

Mr. R.D. Rane & M.M. Gajwani for Respondents.

Coram: J.N. PATEL, J.

Date: 26th July, 2006.

P.C.

1. The learned counsel for the petitioner, after seeking instructions from the petitioner who is personally present in Court, submits that considering the nature of the allegations on the basis of which he has been dismissed from service is not only stigmatic but also directly reflects on his character and, therefore, in the peculiar facts and circumstances he wants to move a representation to the competent authority to consider his case and permit him to voluntarily resign from service without claiming any

benefits so that at least he would not live with the stigma and for this consideration he may be permitted to withdraw the petition with liberty to make a representation to the competent authority.

2. The learned counsel for the respondent has no objection so far as the petitioner is withdrawing the petition. In respect of the representation to be made by the petitioner he states that it will be within the discretion of the competent authority and, therefore, this Court can pass appropriate orders.

3. The petitioner states that he may be permitted to withdraw the petition. This Court can well appreciate the situation in which the petitioner is placed who is now about 53 years of age and has an unblemished record of service and, therefore, this Court grants leave to the petitioner to make representation to the competent authority to accept his voluntary resignation from service without claiming any benefits to be substituted against the punishment of dismissal on the basis of the charges of molesting primary school girls. Petition dismissed as withdrawn. No order as to costs.

(J.N. Patel,J.)